

Symposium on International Parental Child Abduction
U.S. Embassy Tokyo, Japan
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Remarks by Michele Thoren Bond
Deputy Assistant Secretary of State for Overseas Citizens Services

Thank you for the kind introduction, Ray. What an honor to be invited to such a beautiful, ancient, yet modern land, to such a vibrant and famous city, and to be given the opportunity to participate in this important symposium on such a crucial issue.

It is truly wonderful to see such a varied audience here today. It is a testament to how important our children are to all of us and how tragic international parental child abduction is.

I know our Canadian colleagues are here today. In a very real way, this Symposium stands on the shoulders of prior symposiums sponsored by the Canadian Embassy. We were proud to have our Deputy Director of the Office of Children's Issues attend and speak at the Canadian Symposium last year. We are proud today to take a more active role in presenting this program.

The make up of this audience also underscores that, despite the fact that we are meeting at the Tokyo American Center, this is not just an "American" issue. It is of immediate importance to Japan, and Japan's allies in Canada, in France, and in the United Kingdom. It is of grave urgency to the governments of other nations represented here as well, including Australia, and nations in Europe, Latin America, and Africa, whose Embassy officials took a full day out of their incredibly busy weeks to attend this Symposium.

As concerned as we are, we diplomats and public servants, our worry and anguish pales in comparison to that of the parents and children whose lives are changed irrevocably by a parental abduction. Some of those children and parents are American, certainly, but they are also Canadian, and British, and French and, perhaps most importantly for our purposes today, those parents and children affected by parental abduction, are also Japanese.

A parental abduction to a country that is not yet a signatory to the Hague Convention on the Civil Aspects of International Child Abduction is a tragic event. And it is tragic whether an American citizen child is abducted to Japan or a Japanese citizen child is abducted to a non-Hague country such as the Philippines. A left-behind parent in a situation like that is left with no legitimate options, nowhere to turn, and in some cases, no hope.

Partnership under the Hague Convention changes that equation. Rather than being the end of the story, an abduction can be resolved through a mechanism that respects the sovereignty and judicial system of both nations. A left-behind parent can seek, with confidence, a return order from the judiciary of the nation to which a taking parent fled. The return order reestablishes

jurisdiction in the place of the child's habitual residence, so that the court there has the full opportunity to consider the best interests of the child.

A return order is no mere ministerial function under the Hague Convention. The judiciary of the nation to which a parent has fled with his or her child will have the opportunity to consider whether legitimate defenses, like domestic abuse or intolerable circumstances, preclude a return order.

A system like that benefits all parents, and more importantly all children – no matter their citizenship. Japan must find a way to provide solutions like that to its citizens, to its parents, but most importantly to its children, and to the children of the world.

And I am here as living, breathing evidence that this is not an issue that can be contained at the level of the hard working consular officers here in this room. This issue is not just a topic of discussion here, but also a topic of discussion back in Washington, D.C.

In March, a parental abduction from the United States to Brazil drew the attention of the United States House of Representatives. Wanting to be of assistance, the House unanimously passed a Resolution calling on the Government of Brazil to assist in the fair and expedient resolution of the Hague petition for the return of a young boy.

Rather than stopping with that case, however, the U.S. Congress went on to mention the particularly heart wrenching case of Melissa Braden, a young girl brought by her mother here, in clear contravention of court orders regarding her custody. The U.S. Congress specifically called on Japan to be better partners on this difficult issue and to accede as soon as possible to the Hague Abduction Convention.

There is no reason to believe that the Resolution marked the end of U.S. Congressional interest in the problem. Rather, it marks the beginning of significant and growing concern by the Congress. Our Office of Children's Issues receives a steady stream of Congressional inquiries seeking information on individual parental abduction cases and on the general relationship with Japan on this issue.

Just last week, I briefed an important Congressional committee on our most recent mandatory report on compliance and the Hague Convention on Abduction. After we explained the report and answered questions about our Hague partners mentioned in the report, they took the time to ask "What about Japan?" They were intensely curious about my travel to this Symposium. We believe firmly this is a question we will hear more frequently: "What about Japan?"

But why has this issue gained so much attention? I know some of our friends are worried that this is a case of Japan-bashing. They charge that this is an otherwise unimportant issue that individuals critical of Japan can raise to prove otherwise spurious points relative to our relationship with Japan. I assure you, that is not the case.

Japan is a good partner and an important friend of the United States. Few can legitimately question the importance of our relationship. But on this issue, the news is not good. Each year, the number of children taken by their parents from the United States is increasing. And especially, the number of children taken by their parents to Japan is increasing.

Since the late 1970s, the Bureau of Consular Affairs has been contacted in connection with approximately 18,000 abductions or wrongful retentions. Children's Issues is currently handling more than 2,000 open outgoing abduction cases involving around 3,000 children.

And Japan has more than its fair share of those cases. The United States counts seventy-three cases of abduction to or retention in Japan involving more than 100 children. Our mission in Japan counts another twenty-nine cases where all the parties are in Japan, but one parent is being denied access to his or her child.

That number, more than 100 children, places Japan at the top of an unfortunate list. Only India, with a population of nearly ten times that of Japan, comes close to the number of open cases.

And as I said, the number is increasing. When the Deputy Director of Children's Issues came here last spring, she reported that there were forty open cases involving fifty children. As recently as 2005, we counted only eleven abduction cases.

And there are other reasons, aside from the sheer numbers, that the frustration in the United States – and more particularly in Washington – has grown. People are frustrated because on so many issues, the United States and Japan work hand-in-hand to solve the pressing problems facing the world. But there is no progress on child abduction. People are frustrated because Japan is a first-world nation with a solid commitment to the rule of law. But there is no progress on this issue. People are frustrated because time and time again, Japan has come to our aid, and the United States has come to Japan's, but there is no progress on this issue.

There is frustration because for so many people, this is a *real* issue. It isn't about numbers or money or trade. This is a human issue. One with the face of a child and the face of a heartbroken father or mother left behind. When those faces appear on our television sets, or in the newspaper, people react with sympathy and concern.

When Americans react with those emotions, they turn to their legislators for help. Their representatives look for ways to help – not out of malice toward anyone, but out of compassion for their constituents. The objective is not to pull anyone down, but to help the children who cannot help themselves, whether they are Japanese children or children from other countries represented here today.

Our cultural differences are important, but respect for cultures is a two-way street. Our family law courts are challenged each day to respect diverse and divergent cultures as they carefully hand down rulings in the best interests of the children. In the United States, custody orders can

include international visitations. They can include provisions for cultural education and preservation.

And I firmly believe that one cultural value that Japan and the United States share is a healthy respect for the rule of law. Hague accession gives us a common ground to share that value and protect the jurisdiction of family law courts, so that the best interests of the child can be determined in the light of day, not on a midnight flight across the ocean.

Importantly, Hague partnership moves the issue of parental child abduction back to the working level. Not the level of Deputy Assistant Secretary, or Undersecretary, or the Secretary of State. Japan's accession would move this issue to the place where the work can be done. To the place where the children can be helped.

That brings us to the ultimate question: Who will lead? Our good colleagues in the Ministry of Foreign Affairs note that the Ministry of Justice would be the Central Authority under the Hague Convention and therefore ought to lead. Our friends in the Ministry of Justice note that the Ministry of Foreign Affairs must convince the Diet to pass legislation. Members of the Diet worry that there is no popular support for the types of changes necessary to accede to the Hague Convention.

Valid concerns, certainly. But someone must take the reins. Someone must say, much as my honorable friend, Ambassador Maura Harty, once said with respect to the United States and the Hague Adoption Convention, "This is right for the children and this is right for my country" and lead a reform movement that will bring Japan shoulder to shoulder with her G-7 allies on this issue.

Whoever that is, whatever group it might be, they will have our help and our full support. Whoever that is, they will be able to know that they are assisting the children, not only of Japan, but of the world.

We are eager for our relationship on this important issue to improve, and hopeful that this symposium will be useful. Improvement would certainly come through Japan's accession to the Hague Convention, but in the interim, improvement could be seen through specific steps by the Japanese government to address this important issue. Specific steps to help the children, no matter what the citizenship or nationality.

We would love to measure progress through other tools that can assist a left-behind parent searching for news about his or her child, through better consular access, or through better assistance in bringing about the return of a child.

We look for Japan to establish measurable goals on this issue and look forward to marking our special ally's progress against those milestones.

For now, however, I look forward to hearing what my good friend, Ambassador Harty, has to say. But of course, I'm available to answer any questions that you might have. Take advantage

of our time during the panel discussion to answer questions that might linger. In addition, please don't hesitate to approach me at lunch or during the break. Thank you so much for your kind attention.